BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO. 1466 /2001

No. 3831
Filed today 27/12/01
by Shri M.Sharma
For Registrar
M. P. State Adm. Tribunal,
RAIPUR.

APPLICANT : Ashok Kumar Nema
Son of Late A.P.Nema
Professor
Deptt. of Sociology
Govt. Chhattisgarh College,
Raipur (C.G.)

VERSUS

NON-APPLICANT :

1. State of C.G.
through the Secretary
Department of Higher Education
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

2. Principal
Govt. Chhattisgarh College,
Raipur (C.G.)

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

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## HIGH COURT OF CHHATTISGARH AT BILASPUR

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**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

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**WRIT PETITION (S.) NO.4419 OF 2005**

Petitioner : Ashok Kumar Nema

Versus

Respondents : State of C.G. and another

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Present : Mr. Maneesh Sharma, counsel for the petitioner.
Mr. V.V.S.Moorthy, Deputy Advocate General with Mr. Ajay Dwivedi, Panel Lawyer for the respondents/State.

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**ORDER**
(Passed on 12th of October, 2006)

The original application was filed before the State Administrative Tribunal, Bench at Raipur, impugning the transfer order dated 26-12-2001 (Annexure A-1), whereby the petitioner, who was working on the post of Assistant Professor at Government Chhattisgarh College, Raipur, was transferred to the Government College, Chhuria, District Rajnandgaon.

2. While admitting the petition, the Tribunal, by its order dated 8-1-2002, granted *status quo* with regard to the posting of the petitioner as on 27-12-2001. Learned counsel for the petitioner submits that by virtue of the interim order, the petitioner is continuing on the same place of posting, i.e., Government Chhattisgarh College, Raipur.

3. As a matter of fact, the petitioner has got the final relief by way of interim order and the petitioner has been on the same place for more than four years. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. However, the respondents – authorities are directed not to insist on compliance of the impugned transfer order dated 26-12-2001 (Annexure A-1).

5. This petition has become infructuous with the passage of time. Accordingly, the petition is dismissed as having become infructuous. However, the respondents – authorities are at liberty to pass appropriate order for posting the petitioner in public interest and administrative exigency, in accordance with law. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**